

St. VVilliam Killigrew

HIS

ANSWER

TO THE

FENNE MENS
OBJECTIONS

Against the Earle of *Lindsey* his Dray-
ning in *Lincolneshire*.

B. T. 1530



Printed at London, 1649.

St. William Killigrew

HIS

ANSWER

TO THE

FEMALE MEN'S

OBJECTIONS

Against the Bar of King's Bench
and in Vincennes.



Printed in London 1749

The Fen-mens Objections against the Earle of *Lindsey* and his Participants,



First, Our Adversaries doe object, *That some Commissioners who are named in the body of the Decrees; have not set their Hands and Seals unto the said Decrees, being ingrossed into parchment.*

2. They say, *The Earle did bribe the late King and his Lords, to take away their Fennes.*

3. They say, *The Earle did dreyn these Fens by prerogative power, by the Kings Letters, and by the Lords Orders.*

4. They say, *That the ancient Commissioners of the Country were put out, and Strangers put into Commission.*

5. They say, *That the Droyers were parties, and Judges.*

6. They say, *That the Fens, in question, were not drowned, and did therefore need no dreyning.*

7. They say, *That if the Fennes did need to be drayned? yet not by such Malignants as we.*

8. They say, *That the Earle did undertake the works against the Countries consent.*

9. They say, *The Earle did take the best land, and left the worst land for the Country.*

10. They say, *That the Fennes between Bourne and Kimccae are the worst for drayning.*

11. They say, *That Kestuin side is drowned by the banks of our great River, which doth secure our own lands, and doth thrust up the waters on the land left unto the Country.*

12. They say, *That the Earles bankes doe cut off the ancient Sewers of the Country, which otherwise would have drayned their Fennes.*

13. They say, *The Earle tooke possession by force of Armes, and kept possession by Troops of Horse, by great Guns, and by murdering the people.*

14. They say, *That the Commonners were imprisoned by the Lords Orders.*

and

15. They,

15. They say, That the Country was denyed the benefite of the Land by the Earles privilege of Parliament.

16. They say, That the Parliament hath declared against the drayning of Fens as a grievance to the Common-people.

17. They say, That Sir Robert Barkhames was indicted in Parliament against me.

18. They say, That the Earle and his Partisanes have drayned the dry Fens towards Bourne, and not medled with the drowned Fens towards Lincoln.

19. They say, That the Country was defrauded by the Commissioners, who sold the Earle too much Land by his Contract.

20. They say, That the Earle hath taken more Land then was allotted him.

21. They say, That the Earle hath exchanged certaine Lands, which the Country will not allow of.

22. They object, That the Drayners have sought against the Parliament.

23. They say, That my Father Sir Robert Kiliagrew, did by his will dispose of two hundred Acres of these Fens to his two younger Sonnes, before the Earles work was begun.

24. They say, That I was wounded an undertrader with the Earle, and did relingnish my right.

25. It hath been also objected, That the Countesse of Exeter hath the Brorage on many of the Fens in question, and death conceiveth her Interest to be prejudiced by the drayning.

26. It hath been also objected, that the Earle did give to Mr. Robert Longe 500. l. a year to manage his works.

27. They doe farther say, That the Earle did smother a Verdict, by which the Jury found, that the Fens in question, were not surrounded.

Sir

**Sir William Killigrews answer unto the
Fen-mens Objections, at the Committee for
the Earle of Lindsey his Levell; concerning the
matter of Fact.**

Mr. Goodwin,

I Suppose our Councell hath fully shewed, that we doe
claim our title to the Fens in question, by the auctority of
the decrees of Sewers, read before this honourable Com-
mittee, and remaining before you: And have fully proved
those decrees to be according to the directions of the Laws
and Statutes of this Land, and according to the Presidents of
former times, for works of this kind: And by those De-
crees, 'tis evident, that our contract was legall, and that we
have performed our works according to our contract; by
which we have brought honour and profit to this Nation:
And I say this, least by any witty exposition, the letter of the
Law should be now construed to a different sence from
what those times understood it; by which this letter of the
Law, may now prove a more point, than was then clear: If
so, we hope that equity will take place; for it concerns eve-
ry man that hath an estate as well as us, that all equity be
not devoured by the strict letter of the Law, and chiefly in
such cases of profit to the State; where the law is doubtfull
or short, it is proper for the Parliament to take care in equi-
ty; and in our case the Royall assent being had to our De-
crees; the words of the Statute are, *That the Parliament only
can repeale them.* And to the Parliaments order we doe as
gladly submit, as our adversaries would willingly decline.

In the next place I observe, that our opposers doe inder-
vour to blast the credit of our just title of right, by pretended
miscarriages in the matter of fact, in those that managed this
businessse for the Earle of *Lindsey*; and by throwing sever-
all scandalous aspersions on the persons of the Dreyners,
which makes me think it very necessary to give the Commit-
tee such answers to our opposers objections, as I hope will

vindicate the Earle and his Participants from being guilty of any wilfull crimes, or from any mistakes of consequence, or any project, or any thing like a project. For 'tis evident, that the Earle did undertake this dreynng at the suite of the Country (as appears by Sir *Anthony Erbyes* and the other Commissioners Letter to the late King) and in pursuance of many ancient Records of that County, shewing him the in-deavours of their Ancestors to have dreyned the same Fens, by new works, by generall taxes, in the same method, and in the same places as he now hath done, which was never heretofore blemished with the name of a project; and all this grounded on severall invitations of former Parliaments to encourage private men to undertake those publique works, which this present Parliament hath also approved, by setting of *Bedford Levell* by an Act, and therefore we hope, that we having walked in our Predecessors steps, by the advice of learned men in the lawes of Sewers; and having brought our works by a great charge and hazard, to the highest perfection of any such works in this Nation, we shall have the protection of this Parliament, since in their wisdom they have thought fit to settle *Bedford Levell*.

1. Our Adversaries doe object, *That some Commissioners who are named in the body of the Decrees, have not set their hands and seales unto the said Decrees, being ingrossed in parchment.*

We answer, That when a great number of Commissioners, have unanimously made a Decree, and the Clerks books perfected, it is the constant use when the Sessions is ended, for the Commissioners to goe home, and for the Clerk of the Sewers a week, or a fortnight after to ingrosse the Decrees in Parchment, and then to ride unto the Commissioners houses that made the Decrees, to get their Hands and Seales; and having such a number as the Law requires, being six, the Clerke doth not trouble himselfe to ride over the whole Country to have every Commissioners hand that made the Decree; nor is it necessary for all to signe, it is enough that their names in the body of the Decree doe shew it, to be their Act. And if one man, or more, should dissent, they

they are included by the major part, so that the major part be a number warranted by the Statute: If any doubt be made of this, we doe undertake to prove it all.

2. They say, *The Earle did bribe the King and his Lords, to take away their Pens.*

We answer, That the Earle might dispose of his Lands as he pleased; whether he gave them, or sold them, I conceive concernes not the drayning, nor those that adventured with the Earle, if any injustice was done for bribes, let that appeare; and let them that did it answer for it.

3. They say, *The Earle did drain these Fens by Prerogative Power, by the Kings Letters, and by the Lords Orders.*

We answer: That the Earle and we doe claime our Interest by the Lawes of Sewers, as by the Decrees before you is proved, and doe disclaime all Title, or Right, by any Prerogative Power, and doe say that the Kings Letters did only excite the Commissioners to proceed in a publique good work, which was his duty, as it now is the Parliaments, to farther such a beneficiall undertaking, to enrich the State; and we say those Letters did but recommend the Earle to be the undertaker, but did not injoyne the Commissioners to accept him. We further say, that by the date of all the Lords orders, those from the Star-Chamber, from the Councell-Table, and lastly, from the Parliament, it doth appeare that no such order was used by the Earle to procure the drayning, but to preserve the workes doing, and done. The first order was long after the work was begun, and others after the Earle had possession, to preserve Corn from being destroyed, and houses from being puld downe, and to deterre such rioters. By all this, we conceive it is cleare, that the Earle did not force the Countrey to consent to draining, by Prerogative Power, as is alledged.

4. They say, *the old Commissioners of the Countrey were put out, and strangers put into Commission.*

We answer: That the Commission used of course to be renewed every three, or five yeares: And it was at the Lord Keepers pleasure to change the Commissioners: And it was

These Orders were after the Earle had possession.

See the Orders and the Letters, and observe their Dates.

just and reasonable to put the chiefe of the Drayners into the Commission, who were become a part of the Country by that interest: And we further say, that the Lord Keeper might be informed by the Earle, that some eminent men of the Country, who at first did seeke to advance this worke, were turned against it, because they could not have such shares in the adventure with the Earle as they desired, or for some other private grudge, which we conceive a just cause for the Lord Keeper to leave out such as would hinder a publique good for private ends: And we further say, that it is likely that some did desire to be put out for their owne ease, which is very usuall; however, it is evident, there was no evill intended by altering the Commission, because there are above two hundred able and sufficient Gentlemen (most) of that Country in the Commission, by which authority, the Earles contract was made with the Country; and but two strangers, who could not overrule that great number, to prejudice their own Country by any unjust act.

See the
names in
the Com-
mission.

5. *They say that the Drayners were Parties and Judges.*

We answer: That when the Tax of 13^l. 4^d. was laid on every acre drowned, there could be no parties, because the Earle had no interest, nor at making the contract of 24000 acres, until it was made, the Earle had no interest; and then, of them that did make that contract betweene the Countrey and the Earle, there was only two that had any relation to the Earle; for the now Lord Cobham, Sir Edward Heron, and Mr. William Langton, did some yeares after his Decree, become purchasers of their owne Fens, at 40^l. an Acre, at which price those lands were publicquely offered to any of the Countrey to adventure for, and only these three Gentlemen did thinke those drowned lands to be so much worth in those dayes. The dates of these three Gentlemens deeds will shew how long after the contract they became Purchasers, and therefore cannot be justly called Judges and Parties at the making of the Contract, or laying the Tax three yeares before the Contract was made: Nor can Sir Peregrine Barten, nor Mr. Long's sitting on the Bench, (who were

were the only two that were afterwards concerned in the Earles interest) be reasonably thought to over-rule the other thirty Commissioners that did make the Decree of Contract, where the words are that no one man did dissent

See the Law of the Contract.

6. They say, That the Fens in question were not drowned, and therefore did need no draining

We answer That by severall Records of that County now in Court, it appears that the Fens in question have been ever hurtfully surrounded with waters; and that it hath bin for some hundreds of yeeres the constant Indevours of the Commissioners of that County, and of many other eminent men, to have drayned the same Fens, in the same manner, and by new works in the same places where the Earle hath made his Draynes: It doth also appeare by our adversaries books lately printed, and distributed to the Members in Parliament, that a little before the Earles undertaking, the Country did proffer Sir Anthony Themas, and Sir William Wyllis, a fifth part to drayne these very Fens in question, and that they demanded a fourth part, by which it appears that these Fens were drowned, and that the Country did desire to have them drayned, and was a sufficient argument to persuade the Earle to undertake the work, and therefore no Project, and may satisfie all indifferents, that the Earle had no Prerogative Power, nor needed any; nor Lords Orders to force the Country to a compliance with him: It also appears by our adversaries other printed books, distributed to the Members of Parliament, that our opposers themselves doe desire to become drayners of the Fens in question, by all which, it is evident that these Fens did require drayning.

See the Books.

See their printed Books.

7. They say, That if the Fens did need to be drayned, yet not by such Malignants as we

We answer, That when we became Drayners, there was no cause to call us so, and we were fit to be drayners, because in those dayes none in the Country did understand the Art of drayning, which is evident by the unusefull draynes of the Country, before the Earles undertaking, and by their wilfull and ignorant cleansing of their old crooked draynes

this

this last year, hoping by so doing, to have shewed the world that our works were needlesse, to which end they have to this day dam'd up the Earles great Rivers, and by so doing, have now drowned all the Fens, to the great damage and discontent of the Countrey, as appears by the presentments of Sewers this last Summer, in which those dams are presented as common nuisances, and are ordered to be taken up, but yet doe still remaine, and doe keep the Fens drown'd, by which it seemes our opposers did not formerly, nor doe yet understand drayning, and therefore not so fit to be Drayners as the Earle, by whose works the Fens were kept dry, untill they maliciously destroy'd them, on purpose to drown what he had drayned.

See the Presentments in Court.

8. They say, *The Earle did undertake the works against the Countreys consent.*

We answer, That the Contract was made by 32. Commissioners, many of them Lords and owners of the said Fens, and this at a publique Session of Sewers in *Stearford*, in the presence of many thousands of the people, all hearing the Contract debated openly in the Church, because the great Hall could not receive the Assembly, and the people did expresse much joy to have the Earle undertake it, and did unanimously work in his Drayns, and hereby enriched themselves, nor was here any appearing dissent in the Countrey, untill our Adversaries perswaded them, that they might have all the Earles Lands for asking.

See the severall Petitions from the Countrey in the Drayners behalf which lye before you in Court.

9. They say, *The Earle did take the best Land, and leave the worst for the Countrey.*

We answer, That by the Map it will appear, that the Earle hath allotted to him that Land which was worst, the lowest, and most drown'd, the very Pan of all the Fens, and lyeth most remote from all the Towns, so that if those Lands that were worst, be now become best, it is a good evidence, that the Earle hath done his work well; for the truth is, those worst Lands which were ever drowned before the drayning, are by our works made good winter Corn Lands; And yet so let the world see how unjust this complaint is, the Earle did offer the Countrey to exchange all his Lands for so much of theirs;

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theirs; and they refused it, at a full hearing in the Lords house. The truth is, that the wit of man cannot set out the Earles proportion in any other place so profitable for the Country.

10. They say, *That the Fens between Bourne and Kime-cot are the worst for drayning.*

We answer, That those Fens are improved by drayning from 2, 3, 4, 5. an Acre, to 8, 10, and 13, the Acre, as appeares by testimony before this committee. We say also, that the Earle did at a hearing in the Lords house, offer the Country to become Tenant to the Country for all the remaining Common, at 10s, the Acre, which they refused, and by all Records, as well as by severall testimonies it appears, those Fens were not worth a fourth part so much before the drayning; therefore now improved to the great advantage of the Country.

11. They say, *That Kesteven side is drowned by the bank of our great River, which doth secure our own Lands, and thrusts up the waters on the Land left unto the Country.*

We answer, That if Kesteven side, or any other Fens in the Earles Level, doe lie forty dayes under water, the Country may re-enter on all his Lands, for not performing his Contract with them. And for the bank of the ~~Lands~~ ^{40 fote} complained of, it is true, that when that River is full upon great sudden Floods, that bank doth thrust up the waters upon the edges of the Commons next to the River, more or lesse, as the Floods doe happen, but when the Tide turns, within few houres, that water is carried off again; but suppose the waters should upon very great Floods in winter, be thrust up by this banke over halfe the Commons on Kesteven side, for some hours, or some few dayes, 'twere no harm to the Commons, nor breach of Contract in the Earle, unless the whole Commons do lye forty dayes under water; then we confesse they may re-enter, and we do refer our selves to the Earles Contract for this particular; It is worth the noting: that they say, this bank, complained of, doth preserve our own Lands dry, winter and summer against all Floods (and we acknowledge it doth so) and do answer, that all Holland Fens, which doe all lye behind our lands, are as well secured by this bank, complained of, as our own Lands are, for when the waters shall break over this bank, it must run over all our Lands before it can come into Holland Fens; so that those of Holland, who are our chief opposers, ought not to complain; nor have those of Kesteven any cause, since we have performed our Contract with them; and over performed it with those of Holland: But the businesse is, they doe all grudge to see the Drayners Lands bear winter Corn, and Rape-seed,

Wheat and Flax, and will not allow us to improve our inclosed Lands above the Commons, which is very unjust, for if those of *Kesteven* side doe please, they may inclose one half of their Commons into small parcels as the Drayners have done; and those of *Holland* may inclose all their Commons, and be as dry as our Lands are, but this subdivision of their Commons is no part of the Earles Contract; we desire the Contract may be strictly observed, and it will appeare that the Earle hath overdone his work, rather then been short in any part of it; and no man injured by it, but those that complain most, have most benefit.

12. They say, *That the Earles banks doe cut off the ancient Sewers of the Country, which otherwise would have drayned their Fens.*

We answer, That if their old Drayns could have drayned them, how came the Country to lye drowned, so many hundreds of yeares? and how came we to find so many Records extant, that shew severall attempts to have drayned the Fens in question, by new works, if their old Draynes would have done the work? We doe acknowledge, that our great River doth cut off all those old country Drayns, on *Kesteven* side; which ever did; and still doe bring down the rain waters from the high Country into the Fens, by which the Fens were alwayes drowned, and by our taking of those waters into our River, we carry them into the Sea, which formerly did lye most part of the year on the Fens, because they had no sufficient vent by the old out-fals; and by this means only, were those Fens capable of being drayned (as by the Map appears) so that we have cut off their old Drayns which did drown the Fens, but not meddle with their old Drayns, which did drayn them as they pretend: for by their old out-fals to the Sea, they could only drayn, and all those old Drayns, and out-fals to the Sea, doe lye behind the banks complained of; and behind all our inclosed Lands on *Holland* side; and we have not cut off those old Draynes, nor out-fals to the Sea; but have left them for the use of *Holland* Severals: and that the world may see how unjust this complaint is, we will prove, that the current of waters, which did formerly run by their old Drayns, through *Holland's* Severals to the Sea; doe now runne backwards into our Drayns, and we doe carry those waters by our Rivers into the Sea another way; by which it is clear, that our Drayns are of use, and their old Drayns are of no use. And by this it's also clear, that the Lands allotted to us, are the lowest Lands in the Levell; because both from *Kesteven* side, and from *Holland* side, the waters doe run into our Rivers, and by them into the Sea. And by this also it appeares, that the Earles 14000. Acres, being the lowest,

lowest, were the most drowned, and so the worst, before the drayning; and now the said lands bearing good winter Corn, 'tis as evident that the Earle hath done a good work, and performed his Contract fully, when that which was worst of the Fens, is made the best by him: and that *Holland Fens* are as well drayned as his own, so that two parts of three, is better drayned, then by his Contract he was obliged, and *Kesteven* being the other third part, is as well as are *Cambridgeshire* make it, and as well drayned, as by his Contract he was bound to do.

13. They say, That the Earle took possession by force of Arms, and kept his possession by Troops of Horse, and great Guns, and by murdering the people.

We answer, That we have proved our coming peaceably into possession, by authority of a Decree of Sewers; and that we did build, plow, and reap two years crops quietly, and part of the third summer crop also, in all which time, there were neither Troops, or Guns used, or any man slain: we have also proved, that our houses were pulled downe, our Corne burned, our Draynes spoiled, our Tenants thrown out, and our possession taken from us by violence, while we made no resistance. For while my house was pulled down, the Sheriffe and a Justice of peace looked on, and did use intreaties, but no force, to make the rioters desist. What was done by Sir Edward Heron when he was high Sheriffe, I know not, for we were then driven out of the Country, only I have seen several orders from the Parliament, to require him to quiet our possession, and I believe, by his place he might call aid to assist him, for preserving the peace of the Country, which our adversaries now call a force: Nor doe I know what happened by Troops in the following war, which was after our being ejected. I doe undertake to prove, that my brass Gun, so much talked of, was a raritie made by my Father, which I did for many yeares remove from house to house, where ever I dwelt, as an ornament to stand in my Hall. I also say, that my selfe was out of that Country, when my house was pulled downe, and never since have seene the place it stood on, till this last Summer 1649.

14. They say, That the Commoners were imprisoned by the Lords Orders.

We answer: That when any of the Commoners were indicted for

riots, proved before the Commissioners on oaths, that the Jurk did still acquit them, which did encourage those ill affected, to hire some poore man to cut the Earles draines, by which, in one night great quantities of Corne was drowned. To prevent this evill, the Earle was constrained to petition the Lords, and to seek a speedier remedie then to sue a poore man not worth a groat, for a 1000^l. damage, during which suit the evill would still be acted by others.

13. *They say, That the Countrey was denied the benefit of the Law, by the Earles Priviledge of Parliament.*

We answer: That in the dayes of the Lords House, the Earle had such a Priviledge, and yet he did decline his Priviledge, and submit to the judgement of a Committee of this Honourable House, and while the cause did depend in hearing before them, he was throwne out of his right by those who now complaine against us, which was a higher contempt against this Parliament, than ever was done before to a Parliament, and a mighty oppression upon us by our adversaries.

16. *They say, That this Parliament hath declared against the drayning of Fens, as a grievance to the Common-wealth.*

We answer: That we believe it is a mistake in our adversaries, and that if there be such a Declaration, it was on some other Fens, and on mis-information, or before they were fully informed what great benefit the State would receive by drayning, as appears by their subsequent Act for the setting of *Bedford* levell, in the preamble of which Act, they recite what benefit the Common-wealth receives by drain- ing:

17. *They say that Sir Robert Barkham's case was judged in Parli-
ament against us.*

We answer: That Sir Robert Barkham's case concernes Sir *Anthony Thomas* his levell, and is for his ancient inclosed severalls on the title of melioration, and is in no kind agreeing with our case in question; for we claime only commons, and have not toucht any severalls, nor yet demanded any meliorations, though they be due unto us.

18. *They say the Earle and his Participants have drayned the dry
Fens towards Bourne, and not medled with the drowned Fens to-
wards Lincolne.*

We answer: That the Earle hath drayned above one half of his *Le-
vell*, and according to his contract, had 14000 acres set out by the
Commissioners, that hee might, by re-imbursing part of his money,

be enabled to goe through with his whole undertaking; but the Countrey having by force taken the 14000 acres from him, how is he able to go on with his work? They beat us out of the Countrey, and now complaine that we doe not finish our work: And yet in this too they are mistaken in what they say; for the Earle hath made his Sluces and his Rivers, at the out-fall of a double capacite, for his first levell from *Bourne*, on purpose to receive and carry off the waters of the second levell from *Lincolne*, so that a great part of that second worke is done, which they understand not, that say the Earle hath not begun his workes towards *Lincolne*. There is also a forty foot Drayn of 8 miles long, made with a particular Sluce to it for the levell towards *Lincolne*, and two 15 foot drains more for the same levell to *Lincolne*.

19. *They say, That the Countrey was defrauded by the Commissioners, who sold the Earle too much land by his Contralt.*

We answer: That the Fens in question, were before the draining, worth but 40^s. an acre, and so the Earle sold those lands at that time to all that would buy of him: And we say, that if by our labour, charge, and hazard, the same land be now worth ten pound an acre, they doe complaine unjustly, and may by this rule, value a ship returned from the East-Indies; at the rate it was set out, which were a good way to overthrow all industry in a Common-wealth.

20. *They say, That the Earle hath taken more land then was allotted him.*

We answer: That our Lands were set out by (sworn Surveyors, and we desire that they may be new surveyd, so that those men will bear the charge, if they have without cause complained.

21. *They say, That the Earle hath exchanged certaine Lands, which the Countrey will not allow of.*

We answer: That those exchanges were made by a Commission of Sewers; and is rather a benefit to the Countrey, then a prejudice, and onely some doe in a peevish humour dislike it: But if no reason will satisfie them, the lands shall be re-exchanged.

22. *They object, That the Drayners have fought against the Parliament.*

We answer: That many Participants with the Earle of *Lindsey*, have not fought against the Parliament: and those that have, are now admitted to composition, and by that to grace and *protection*; so that our actions in the War (being not now in question) ought to be forgot, and our behaviour since only to be looked on: But our Adversaries urge our delinquency, as if that were a sufficient argument to de-

Note that the whole Land found hurtfully surrounded in this Levell, is 71000. acres, so that the Earles 14000. acres is a just third part.

my us justice, in which the Honour of the Parliament is more concerned, then we in profit. This Objection puts me in mind of an old Proverb, *That there is more confidence to be put in a reconciled Enemy, then in a disaffected Friend.*

23. They say, *That my Father Sir Robert Killigrew did by his Will dispose of 100. Acres of these Fens unto his younger Sons, before the work was begun.*

I answer, That this Objection is a mistake, for by his Will there is none of these Lands disposed.

24. They say, *That I was nominated an undertaker with the Earle, and did resign my right.*

I answer, That it was as lawfull for me to be an undertaker, as for any man : and I was by reason of my Fathers sicknesse made undertaker in his right ; and untill my Fathers death, I never saw *Lincolne-shire* ; when the Earle did some years after desire me to resign my title of being Drayner, that his Lordship might be sole Drayner, as a person most acceptable to the Country, by which I hope I have committed no crime.

25. *It hath been also objected, that the Countesse of Excester hath the Brovage on many of the Fens in question, and doth conceive her interest to be prejudiced by the drayning.*

We answer : That those Fens on which she hath Brovage, are improved to a treble value by the drayning, and consequently her Brovage is so too : But to avoid all disputes, let the Countesse shew what profit her selfe, or her predecessors have ever made by the Brovage, and we will be liable to make her an increase of profit, that she may have benefit by the drayning.

26. *It hath been also objected, that the Earle did give to Mr. Robert Long 500 l. a year to manage his work.*

We answer : That if the Earle had given him 1000 l. a year, his paines and care might deserve it : But if that Gentleman have committed any errors in ordering the businesse, let them be proved ; or if he have injured any man in his management of this drayning, let the drayners Estates make satisfaction : But let not our opposers lay his particular actions to our charge, that had no hand in the ordering of the businesse. I say this, because my selfe am often named, as if I had directed all the proceedings concerning this work, who did never look after it untill now, that want of bread made me search into the old papers, that shewed me the Earles proceedings at the first Committee, before the War began ; and from those papers I have what I do know of this businesse.

27. They

27. They doe further say, that the Earle did smother a Verdict, by which the Jury found that the Fens in question were not surrounded.

We answer: That the Verdict which they mention, was six yeares before the Earles undertaking began, and the next day after, the Commissioners had laid a Tax of ten shillings the acre on the said Fens, and at the instant time when the Commissioners were in treaty with Sir Anthony Thomas, and Sir William Ayliffe, to undertake the drayning; so that tis evident this Verdict was a practise by some private interested parties, to interrupt that Treaty, and no way concerned the Earle of *Lindsey*, who many yeares after did become Drayner. We leave it to the judgment of judicious men, whether that Jury might not as well have returned a Verdict, that the Sun never shined in *Eng-land*, as that the Fens betwene the Rivers of *Glens* and *Witbam*, were not surrounded, when so many Records in Court do shew those Fens to have been many hundred yeares hurtfully surrounded, and the endeavours of all Ages to get them drayned; which the Earle hath now done in perfection, beyond all works of this kind in this Nation. As to the many printed papers of our Adversaries concerning this work of drayning, they are so full of malice, and impertinencies, that I rest confident in the judgments of all prudent men, they carry their answers with them, and therefore I have not considered them.

What benefit the Common-wealth receives by this drayning.

1 The Common-wealth will receive all the benefit by the Earle of *Lindseys* drayning, that it receives by the Earle of *Bedfords* drayning, and doth merit an Act to settle it equall with *Bedford Dr- well*, and we desire it on the same terms; in which Act there is provision made for all grievances immaginable.

2 The State will receive present benefit, by the increase of the Customs, to many thousands pounds a year, when these new Plantations are settled.

3 Thirdly, when the 14000 acres belonging to the drainers shall be employed for Corn, The City of *London* will not be forced (as it now is) to send 300000*li.* a year out of the land to buy in Corn.

4. In perfecting of the works; and in husbandry, when all is finished many thousands of poor people will be employed; and severall Manufactures be set up, by using Flux, and making of linnen Cloth.

5. The State will receive honour by improving so much uselesse ground to so great profit; and by doing justice to the Drayners who have ruined their owne Estates, by bringing benefit to the State.

The

The Drayners humble desires.

1. **T**he Drayners do humbly desire, that personall recriminations may not prejudice their just title to the Fens.

2. That since the Parliament hath admitted us to composition, and by that to grace and pardon, we hope our actions in war will be forgot, and our behaviour since only looked on, as in other mens cases, in like condition.

3. We humbly desire, that those few men who doe oppose us, and have not authority from the major part of the Country to hold up this contest against us, may be looked on as ungratefull persons, because the most violent of them are those that have destroyed the wealth of the land, that have against al law and equity, ruined our works, pulled down our houses, and burned our Corn, while his suit depended before a Committee of this Parliament: and this done, in contempt of the Speakers Letter, which was read, while my house was pulling down, as is proved by testimony.

4. I say, that the chief of our opposers be those rich men whom the poor Commoners do petition against, for over stocking their Commons, and do oppose us that they may still oppress the poor Commonners.

5. We desire that they may be looked on as men, that ever have, and still do decline the justice of this Committee, and Parliament, as appears by their many Petitions, to leave them to law Courts, when they know the Parliament is the only competent Judge of the case in question and our Decrees not reverfable but in Parliament.

6. That they may be looked on as men that do abuse the trust reposed in them, by those of the Country, who do imploy them with false reports of their proceedings at the Committee, and do seek private interest under colour of a publique good; their main design being to our us that have done the work, and to become Drayners themselves, who have drowned the Fens at this day, as appears by the last summers presentments now before you.

7. The Drayners do humbly desire, that if it should have happened, that any miscarriage in the Earles overseers of his work, or if there should have been any mistake of a word in law, that may make our title a more point, that for this, all we who are adventurers and purchasers with the Earle of *Lindsey*, may not on so nice a point be utterly ruined, with our whole families, after the expence of 80000 l. by which the Common-Wealth is much enriched.

8. We humbly desire, that if any man have received prejudice by the drayning, or any been injured by the Drayners, or their Agents, that such injuries may be proved, and we do submit to make such satisfaction as this Committee, or the Parliament shall appoint.

9. We do also humbly desire the like justice and satisfaction from those that have destroyed us and our works, by such unexampled ryots: I may say, by such ingratitude and so barbarous a malice, that no civilized nation can parallel; and tis worthy consideration, that if multitudes of men shall be suffered to pull down houses at their wills, which were erected by the authority of a Decree of Sewers, they may do as much against a Decree of Chancery, and then where is our property so much talked of.

10. We humbly desire, that Sir *John Maynard* may be considered as a man that hath no interest in those Fens now in question, but doth oppose us, in hope after our overthrow, if this design take effect, to repeale *Bedford Act*, but we do hope the Common-Wealths good, will be preferred before his private designs; and that an Act of Parliament will not be so easily blown away by him.

11. And

+ Protection

And whereas I am told, That the Druggers are much troubled by this war, I do acknowledge that my self hath the greatest share of all the Hamperings, and do hereby desire to pay my just debt due before this war began; to provide for my Wife and Children in a very moderate way, and to have but two hundred pounds a year for my self. If any man that loves my estate will do this, I will quit all my Interest in the Fens, to him, and whatever else I have in England; and account him the best friend I ever met with.

12. And lastly, We humbly desire, that we may be restored to our possessions in those Fens between Bourne and Kims-ea, and set in the same condition we were, when the first complaint was preferred to the Parliament: and that the Earles undertaking may be confirmed by an Act of Parliament, as in justice it should be; we having as much merited an Act as Bedford Levell, or any other, which hath from time to time been confirmed by former Parliaments.

W. KILLIGREW.

Postscript.

IN the fifth Objection they say *Some of the Commissioners were parties and Iudges*, because they did purchase land of the Earlesome years after his Contract was made.

By this Rule, if any Member of this Parliament shall (now after Bedford Act is passed) adventure any money for land in that Levell; our Adversaries may as well say, that such adventurers were Parties and Iudges, who did designe.

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